

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Patrick Daniel Osei,

Defendant.

Criminal No. 09-314(1) (JNE/JJG)

Criminal No. 10-142 (JNE)

Civil No. 13-2372 (JNE)

Civil No. 13-2373 (JNE)

ORDER

In Criminal No. 09-314(1), Patrick Daniel Osei pleaded guilty to one count of illegal remuneration. In Criminal No. 10-142, he pleaded guilty to two counts of false statements. Several months after he had entered guilty pleas, Osei moved to withdraw them. After denying the motion, the Court sentenced him to 63 months' imprisonment. On the count of illegal remuneration, the Court sentenced him to 57 months' imprisonment. On each count of false statements, the Court sentenced him to 6 months' imprisonment, to be served concurrently with each other and consecutively to the 57-month term of imprisonment. Osei appealed, and the Eighth Circuit affirmed. *United States v. Osei*, 679 F.3d 742 (8th Cir. 2012). Later, Osei moved for relief under 28 U.S.C. § 2255 (Supp. V 2011). He also applied to proceed in district court without prepaying fees or costs. In November 2013, the Court denied Osei's § 2255 motion, denied his application to proceed in district court without prepaying fees or costs, and declined to issue a certificate of appealability. The next month, Osei deposited a motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure, as well as an application to proceed in district court without prepaying fees or costs, in the

mailbox at the institution where he is incarcerated. Because Osei's Rule 60(b) motion is a successive application for relief under § 2255 that Osei submitted without authorization from the court of appeals, the Court denies the purported Rule 60(b) motion, denies the application, and declines to issue a certificate of appealability. *See* 28 U.S.C. § 2255(h); *United States v. Lambros*, 404 F.3d 1034, 1036-37 (8th Cir. 2005) (per curiam); *United States v. Patton*, 309 F.3d 1093, 1094 (8th Cir. 2002) (per curiam); *Boyd v. United States*, 304 F.3d 813, 814 (8th Cir. 2002) (per curiam).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Osei's successive § 2255 motion [Docket No. 214 in Criminal No. 09-314(1) & Docket No. 62 in Criminal No. 10-142] is DENIED.
2. Osei's application to proceed in district court without prepaying fees or costs [Docket No. 216 in Criminal No. 09-314(1) & Docket No. 64 in Criminal No. 10-142] is DENIED.
3. A certificate of appealability is DENIED.

Dated: February 10, 2014

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge